

### **Remarks**

In the application, claims 1, 2, 5, 16, 18, 19, and 32 are currently pending. No claims have been allowed.

The non-final Office Action dated June 13, 2008, has been carefully considered. Claims 1, 2, 5, 16, and 18 through 20 are rejected 35 U.S.C. § 103(a) as obvious in light of U.S. Patent Publications 2004/0170263 (“Michael”), 2003/0065788 (“Salomaki”), and 2004/0234061 (“Koch”). Claim 4 is rejected as obvious in light of Michael, Salomaki, Koch, and U.S. Patent Publication 2002/0129103 (“Birkler”). Claims 21 and 33 are rejected as obvious in light of Koch and U.S. Patent Publication 2002/0035605 (“McDowell”). Claims 22 through 28 are rejected as obvious in light of McDowell, Koch, and Birkler. Claim 29 is rejected as obvious in light of McDowell, Koch, Birkler, and U.S. Patent Publication 2003/0073440 (“Mukherjee”). Claim 32 is rejected as obvious in light of Salomaki, Koch, and U.S. Patent 6,895,425 (“Kadyk”).

### **Amendments to the Claims**

Claims 2, 16, 18, and 19 are amended to clarify their language and to address minor informalities.

The lists in claims 16 and 20 overlapped. The unique elements of claim 20 are added to claim 16, and claim 20 is cancelled.

Claims 4, 11, 21 through 29, and 33 are cancelled.

Independent claims 1 and 32 are amended to emphasize that the WPP does not immediately send presence updates but waits until the MS has an established traffic channel. Then the WPP sends the presence updates over the existing traffic channel. Claim 5 is amended to coordinate with the changes to claim 1. These amendments are supported by the specification at, for example, page 9, lines 7 through 20, and page 11, line 9, through page 12, line 7, and in Figures 6 and 8.

No new matter is introduced by these amendments.

### **The § 103(a) Rejections**

In the interests of particularly pointing out and distinctly claiming the invention, the presently pending independent claims are amended to state:

*waiting, by the WPP, until an indication is received* of an assignment of a traffic channel (TCH) to the MS; and

*transmitting, by the WPP in response to the indication*, presence updates based on the buddy list presence information via the TCH to update the MS.

(Emphasis added. Quoted from claim 1; claim 32 has similar language.)

While the cited art teaches a presence server and presence updates, the cited art's presence servers *do not wait for an existing channel* before sending the presence updates. Thus, the cited art falls squarely in the discussion of the background to the present invention (see the presently pending specification at page 2, lines 3 through 19).

Because of the elements highlighted above, the invention as presently claimed is more efficient than the cited art. With the present invention, presence updates are "piggy backed" on an existing traffic channel rather than sent on a traffic channel established solely for the presence updates.

The Applicants respectfully submit that these highlighted elements place the presently pending independent claims beyond the cited art. Thus, these claims are patentable over the cited art.

The pending dependent claims include by reference all of the elements of their antecedent claims and are patentable over the cited art for at least the same reasons as given above.

### **Conclusion**

This application is considered to be in good and proper form for allowance, and the Applicants request that the Examiner pass this application on to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the Applicants' representative at the number given below.

Serial Number: 10/758,735

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

By: /John T. Bretscher/  
John T. Bretscher  
Attorney of Record  
Reg. No.: 52,651  
Phone: (847)576-5054  
Fax: (847)576-3750

Send Correspondence to:  
Motorola, Inc.  
1303 East Algonquin Road  
IL01/3<sup>rd</sup> Floor  
Schaumburg, Illinois 60196  
Customer Number: 22917